THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.29096 OF 1995

DATED 15th NOVEMBER, 2006

BETWEEN:

Kanne Venkataramudu

… Petitioner

AND

The Collector, Kurnool District, Kurnool and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.29096 OF 1995

ORDER:

The petitioner herein claims that his father was owner of land in survey Nos.129/1 (Acs.3.84), 129/2 (Acs.5.72) and 130/1 (Acs.2.99) situated in Chinnahulthi village and survey No.604/3 (Acs.1.60) in Jutur village of Patthikonda Taluk in Kurnool District. It appears petitioner's father executed registered gift deed, dated 12.01.1976 in favour of Congregation of Mother of Carmel headed by Superior General Rev.Mother Silvia. However, the donee allegedly did not take possession of the land and the same was continued with the petitioner who is statedly cultivating the land. On 02.12.1995, the Surveyor and Revenue Inspector came along with village servants and took measurements of the land. On enquiry, petitioner came to know that the land is being taken so as to distribute them to landless persons. The petitioner, therefore, approached the Mandal Revenue Officer (MRO) on 18.12.1995 informing that the land is patta land, and therefore, possession cannot be taken. The petitioner also contends that though his father gifted the property to the Congregation of Mother of Carmel as they did not take possession, he alone continues to be the owner and possessor of the land. Therefore, he filed the present writ petition seeking a direction to the respondents to enter the petitioner's name in the pattadar pass books and revenue records.

A counter affidavit is filed by the MRO, Pathikonda, the third respondent herein. The allegation that the petitioner is absolute owner of property is denied as the land was already gifted by the petitioner's father. The land in survey No.130/1 was originally Government land but it was under the occupation of Kanne Ullakki and subsequently the land was also transferred to Rev.Mother Silvia. As per the previous Adangals, the petitioner was not enjoying the land but the land revenue is being paid by the petitioner on behalf of Rev.Mother Silvia. In view of this, the

petitioner has no right to seek direction as prayed for.

Admittedly, the land in question was gifted by the petitioner's father in favour of Congregation of Mother of Carmel and therefore, he cannot have any grievance even if the MRO declines to enter the petitioner's name.

The writ petition is wholly misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

15.11.2006
pln